

Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Lawrence B. Bugaisky  
Donald J. Featherstone  
Michael V. Messinger  
Judith U. Kim  
Timothy J. Shea, Jr.

Patrick E. Garrett  
Jeffery T. Helvey\*  
Heidi L. Kraus  
Crystal D. Sayles  
Edward W. Yee  
Albert L. Ferro\*  
Donald R. Banowitz  
Peter A. Jackman  
Molly A. McCall  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Albert J. Fasulo II\*  
Eldora Ellison Floyd  
W. Russell Swindell  
Thomas C. Fiala  
Brian J. Del Buono\*  
Virgil Lee Beason\*  
Reginald D. Lucas\*

Kimberly N. Reddick  
Theodore A. Wood  
Elizabeth J. Haanes  
Bruce E. Chalker  
Joseph S. Ostroff  
Frank R. Cottingham\*  
Christine M. Lhulier  
Rae Lynn Pregelaman\*  
Jane Shershenovich\*  
Lawrence J. Carroll\*  
George S. Bardmesser

Senior Counsel  
Samuel L. Fox  
Kenneth C. Bass III

Registered Patent Agents  
Karen R. Markowicz  
Andrea J. Kamage

Nancy J. Leith  
Joseph M. Conrad III  
Ann E. Summerfield  
Helene C. Carlson  
Gaby L. Longworth  
Matthew J. Dowd  
Aaron L. Schwartz  
Angelique G. Uy  
Boris A. Matvenko  
Mary B. Tung  
Katrina Y. Pei  
Bryan L. Skelton  
Jason D. Eisenberg

\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Admitted only in Texas

May 20, 2002

WRITER'S DIRECT NUMBER: (202) 371-2638

INTERNET ADDRESS: JSHERSHE@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

Art Unit 1761

Re: U.S. Utility Patent Application  
Appl. No. 10/050,047; Filed: January 17, 2002  
For: **Methods of Increasing Hardness of Food Products**  
Inventors: Egbert *et al.*  
Our Ref: 1533.1510001/SRL/J-S

RECEIVED  
MAY 23 2002  
TC 1700

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 (4 pages);
3. Copies of references AA1, AB1, AC1, AD1, AE1, AF1, AG1, AH1, AI1, AJ1, AK1, AR1, AS1, AT1, AA2, AB2, AC2, AD2, AE2, AF2, AG2, AH2, AI2, AJ2, AK2, AR2, AS2, AT2, AA3, AB3, AC3, AD3, AE3, AF3, AG3, AH3, AI3, AJ3, AK3, AR3, AS3, AA4, AB4, AC4, AD4, AE4, AF4, AG4, AH4, AI4, AJ4, and AK4; and
4. A return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R.

Commissioner for Patents

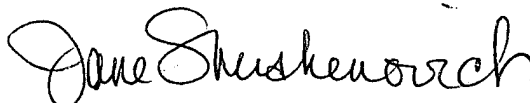
May 20, 2002

Page 2

! § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

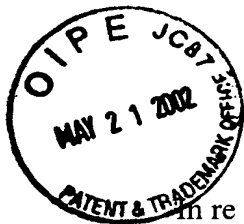


Jane Shershenovich  
Attorney for Applicants  
Registration No. 48,841

SRL/J-S/tts

Enclosures

SKGF\_DC1:16317.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

EGBERT *et al.*

Appl. No. 10/050,047

Filed: January 17, 2002

For: **Methods of Increasing Hardness  
of Food Products**

Confirmation No. 1188

Art Unit: 1761

Examiner: *To be assigned*

Atty. Docket: 1533.1510001/SRL/J-S

**Information Disclosure Statement**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

**RECEIVED**  
MAY 23 2002  
**TC 1700**

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jane Shershenovich  
Attorney for Applicants  
Registration No. 48,841

Date: 5/21/02

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

RECEIVED  
Page 1 of 4  
MAY 23 2002  
TC 1700

FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1533.1510001/SRL/J-S	APPLICATION NO. 10/050,047
	APPLICANT Egbert et al.	
	FILING DATE January 17, 2002	GROUP 1761

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA1	3,943,263	03/09/1976	Sato et al.	426	250	02/12/1975
	AB1	3,950,564	04/13/1976	Puski et al.	426	516	08/02/1974
	AC1	3,959,511	05/25/1976	Balaz et al.	426	549	06/12/1974
	AD1	3,962,335	06/08/1976	Kumar	426	574	05/08/1975
	AE1	3,962,481	06/08/1976	Kumar	426	574	05/19/1975
	AF1	3,969,539	07/13/1976	Sumner et al.	426	641	05/31/1973
	AG1	3,971,856	07/27/1976	Daftary	426	417	03/03/1975
	AH1	4,036,996	07/19/1977	Chandler et al.	426	254	04/26/1976
	AI1	4,105,799	08/08/1978	Chandler et al.	426	44	05/13/1976
	AJ1	4,125,630	11/14/1978	Orthoefer	426	104	11/22/1976
	AK1	4,141,999	02/27/1979	Lolas	426	104	10/07/1977

## FOREIGN PATENT DOCUMENTS

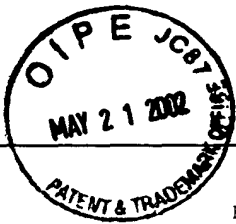
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>1</u>	Hamann, D.D. et al., "Instrumental Texture Measurements for Processed Meat Products," <i>Reciprocal Meat Conf. Proc.</i> 40:19-27, The American Meat Science Association (1987).
	AS	<u>1</u>	Marsilli, R., "Texture and Mouthfeel: Making Rheology Real," Weeks Publishing Co., (visited October 25, 2000) < <a href="http://www.foodproductdesign.com/archive/1993/0893QA.html">http://www.foodproductdesign.com/archive/1993/0893QA.html</a> >.
	AT	<u>1</u>	McGraw-Hill Dictionary of Scientific and Technical Terms, Fourth Ed., Parker, S.P. (ed.), McGraw-Hill Book Company, New York, NY, p. 19 (1989).

EXAMINER	DATE CONSIDERED
----------	-----------------

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



RECEIVED  
Page 2 of 4  
MAY 23 2002  
TC 1700

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
1533.1510001/SRL/J-S

APPLICATION NO.  
10/050,047

APPLICANT  
Egbert et al.

FILING DATE  
January 17, 2002

GROUP  
1761

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA2	4,146,652	03/27/1979	Kahn et al.	426	564	01/28/1977
	AB2	4,154,863	05/15/1979	Kahn et al.	426	553	01/24/1978
	AC2	4,178,394	12/11/1979	Kumar	426	656	09/12/1977
	AD2	4,199,604	04/22/1980	Kahn et al.	426	327	06/20/1978
	AE2	4,199,605	04/22/1980	Kahn et al.	426	330.6	06/30/1978
	AF2	4,219,470	08/26/1980	Karnofsky	260	123.5	10/23/1978
	AG2	4,275,084	06/23/1981	Ohayabu et al.	426	104	12/11/1979
	AH2	4,305,966	12/15/1981	Ueno et al.	426	266	05/21/1980
	AI2	4,313,967	02/02/1982	Kahn et al.	426	327	03/14/1980
	AJ2	4,315,949	02/16/1982	Schroder	426	334	09/11/1978
	AK2	4,381,316	04/26/1983	Brotsky et al.	426	265	01/26/1981

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

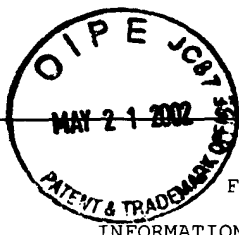
**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	2	Texture Technologies Corp., "Use Texture Profile Analysis (TPA) Techniques to Quantify The Texture of Your Products - Texture Technologies Corp.," (visited October 25, 2000) < <a href="http://www.texturetechnologies.com/tpa.htm">http://www.texturetechnologies.com/tpa.htm</a> >.
	AS	2	Weeks Publishing Co., "Examples of Texture Terms Used in Sensory Texture Profiling Terms: Definition," (visited October 25, 2000) < <a href="http://www.foodproductdesign.com/archive/1993/0893QA.html">http://www.foodproductdesign.com/archive/1993/0893QA.html</a> >.
	AT	2	"Title 21-Food and Drugs, Parts 170, 182, 184 and 186, Chapter I-Food and Drug Administration, Department of Health and Human Services," 21 C.F.R. Chp. I, April 1, 1999 Edition (visited October 23, 2000).

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



RECEIVED  
MAY 23 2002  
TC 1700

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1533.1510001/SRL/J-S	APPLICATION NO. 10/050,047
	APPLICANT Egbert et al.	
	FILING DATE January 17, 2002	GROUP 1761

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3	4,382,098	05/03/1983	Bolin et al.	426	646	08/02/1982
	AB3	4,387,109	06/07/1983	Kahn et al.	426	321	09/21/1981
	AC3	4,439,456	03/27/1984	Kammuri et al.	426	276	12/15/1981
	AD3	4,543,260	09/24/1985	Brotsky	426	266	01/26/1984
	AE3	4,556,571	12/03/1985	Swartz et al.	426	265	05/30/1985
	AF3	5,063,270	11/05/1991	Yukimoto et al.	524	306	06/07/1989
	AG3	5,073,388	12/17/1991	Miller	426	74	09/19/1990
	AH3	5,109,064	04/28/1992	Wakabayashi et al.	525	100	01/16/1990
	AI3	5,162,506	11/10/1992	Hadden	530	412	07/25/1990
	AJ3	5,382,444	01/17/1995	Roehrig et al.	426	646	10/01/1993
	AK3	5,387,424	02/07/1995	Mendenhall	426	272	03/23/1994

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR	3	"Title 21-Food and Drugs, Chapter I-Food and Drug Administration, Department of Health and Human Services, Part 582-Substances Generally Recognized as Safe," 21 C.F.R. Chp. I, April 1, 1999 Edition (visited October 20, 2000).
AS	3	FDA/CFSAN/OPA: The List of Indirect Additives (visited October 20, 2000) < <a href="http://vm.cfsan.fda.gov/~dms/opa-indt.html">http://vm.cfsan.fda.gov/~dms/opa-indt.html</a> >.
AT		

EXAMINER	DATE CONSIDERED
----------	-----------------

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



RECEIVED  
MAY 23 2002  
PC 1700

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
1533.1510001/SRL/J-S

APPLICATION NO.  
10/092,047

APPLICANT  
Egbert et al.

FILING DATE  
January 17, 2002

GROUP  
1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA4	5,443,852	08/22/1995	Shahidi et al.	426	92	04/30/1993
	AB4	5,523,293	06/04/1996	Jane et al.	514	21	05/25/1994
	AC4	5,660,808	08/26/1997	Glascocock et al.	423	315	06/14/1995
	AD4	5,698,255	12/16/1997	Roehrig et al.	426	646	02/18/1997
	AE4	5,759,609	06/02/1998	Lynch	426	570	10/02/1995
	AF4	5,762,993	06/09/1998	Gundlach et al.	426	646	08/08/1996
	AG4	5,925,400	07/20/1999	Gundlach et al.	426	641	12/11/1996
	AH4	5,939,112	08/17/1999	Katayama et al.	426	74	12/23/1997
	AI4	5,945,152	08/31/1999	Purser	426	646	01/26/1998
	AJ4	5,958,977	09/28/1999	Ikeda et al.	514	564	08/09/1996
	AK4	6,053,970	04/25/2000	Ison et al.	106	35	06/30/1999

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.